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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,142	04/01/2004	Hirotake Nozaki	118984	6551
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AGGARWAL, YOGESH K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,142

Applicant(s)

NOZAKI ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 62 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 04/01/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election with traverse of group I associated with Claims 1-23, 62 and 63 is acknowledged. The traversal is on the ground(s) that the subject matter of both groups is sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the other group. This is not found persuasive because the non-elected group contains features, which would not be included in a class/subclass search or text search for the elected group.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al. (US Patent # 6,940,545).

[Claim 1]

Ray et al. teaches a digital camera system comprising (figure 1) a detecting means that detects a given feature point from an image data (col. 6 lines 57-66, figure 3), a receiving means that

receives an order from a user (col. 7 lines 5-16), a selecting means that selects each feature point in accordance with a given order instructed by the receiving means when a plurality of feature points are detected (col. 7 lines 5-16) and a display that displays feature point information identifying the feature point selected by the selecting means (col. 7 lines 2-5).

[Claim 2]

Ray et al. teaches wherein the display displays information regarding the feature point overlaid with the image data (col. 7 lines 2-5).

[Claim 3]

Ray et al. teaches a face detection means that detects the size of a face from the feature point detected by detecting means wherein the selecting means selects the face in descending order of the face size detected by the face detection means (col. 33-44, selecting the largest face size).

[Claim 4]

Ray et al. teaches a distance detection means that detects a distance to the feature point detected by the detecting means (col. 5 lines 33-41) wherein the selecting means selects the feature point in ascending order of the distance detected by the distance detection means (col. 7 lines 36-42, selects the focusing point on preponderance of faces. Faces are nearer to the background objects, therefore an ascending order).

[Claim 5]

Ray et al. teaches a focus-area-setting means that sets a given area including the feature point detected by the detecting means as a focus area for detecting focus (col. 7 lines 36-42)..

[Claim 6]

Ray et al. teaches a photometry-area-setting means that sets a given area including the feature point detected by the detecting means as a photometry area (col. 5 lines 12-21).

[Claim 7]

Ray et al. teaches a detecting means that detects a given feature point from an image data (col. 6 lines 57-66); a display that displays the feature point detected by the detecting means; a receiving means that receives information regarding the feature point displayed by the display (col. 7 lines 2-5); and a memory that stores the feature point and information regarding the feature point (col. 10 lines 34-50).

[Claim 8]

Ray teaches wherein the information regarding the feature point is specific name information (col. 10 lines 40-41).

[Claim 9]

Ray teaches wherein the information regarding the feature point is priority information determined when a plurality of feature points are detected at a time (col. 7 lines 33-44, priority is set to the largest face).

[Claim 10]

Ray teaches wherein a discriminating means that discriminates the priority information; and a selecting means that selects feature point in order of the priority discriminated by the discriminating means (col. 7 lines 33-44, priority is set to the largest face).

[Claim 11]

Ray teaches a distance-measuring-area-setting means that sets a distance measuring area for measuring a distance to a subject displayed on the display (col. 5 lines 33-41); wherein the

priority information is a priority among the plurality of feature points upon setting the distance measuring area by the distance-measuring-area-setting means (col. 7 lines 33-44, priority for focusing is set to the largest face).

[Claim 12]

Ray teaches a photometry-area-setting means that sets a photometry area for measuring lightness of the subject displayed on the display (col. 5 lines 12-21); wherein the priority information is a priority among the plurality of feature points upon setting the photometry area by the photometry-area-setting means (col. 5 lines 12-21 sets the priority for measuring frame that measures auto exposure, auto white balance on faces).

[Claim 13]

Ray teaches wherein the information regarding the feature point is outline correction process information upon storing the image data including the feature point (col. 7 lines 2-5).

[Claim 14]

Ray teaches wherein the information regarding the feature point is outline correction process information upon reproducing the image data including the feature point (col. 7 lines 2-5).

[Claim 15]

Ray teaches wherein a discriminating means that discriminates and displays whether or not at least one of the feature point and information regarding the feature point displayed on the display is stored in the memory (col. 6 lines 48-55, col. 8 line 55-col. 9 line 6).

[Claim 16]

Ray teaches a detecting means that detects a given feature point from an image data (col. 6 lines 57-66, figure 3); a display that displays the feature point detected by the detecting means (col. 7

lines 2-5); a input means that inputs information regarding the feature point displayed by the display (col. 7 lines 5-16) ; a instruction means that instructs to store the feature point and information regarding the feature point in connection with the image data; and a memory that stores the feature point, information regarding the feature point, and the image data (col. 10 lines 28-50).

[Claim 17]

Ray teaches wherein the information regarding the feature point is positional information in the image data upon detecting the feature point from the image data (col. 6 lines 8-15).

[Claim 18]

Ray teaches a digital camera system comprising a memory that stores a first feature point and first specific name information regarding the first feature point (col. 10 lines 29-50); a detecting means that detects a given feature point from an image data (col. 6 lines 57-66, figure 3); an input means that inputs second specific name information regarding a second feature point detected by the detecting means; and a storing instruction means that instructs to additionally store in the memory the second feature point when the first specific name information and the second specific name information are identical and the first feature point and the second feature point are different (col. 10 lines 28-50, In two different images if a same individual is in two images the name information would be same).

[Claim 19]

Ray teaches a first memory that stores a first feature point and specific name information regarding the first feature point (col. 10 lines 28-50); a second memory that stores a second feature point and the specific name information in connection with an image data; and a storing

instruction means that instructs to additionally store in the first memory the second feature point when the first feature point and the second feature point are different (col. 10 lines 28-50, any two names would be different).

[Claim 20]

Ray teaches a first memory that stores a first feature point and specific name information regarding the first feature point; a second memory that stores a second feature point and the specific name information in connection with an image data; and a storing instruction means that instructs to additionally store in the second memory the first feature point when the first feature point and the second feature point are different (col. 10 lines 28-50).

[Claim 21]

Ray teaches a digital camera system comprising a display that displays an image data; a detecting means that detects a given feature point from the image data; a memory that stores a plurality of feature points in advance; a checking means that checks whether or not the feature point detected by the detecting means is the same as any one of the feature points stored in the memory; and a discriminating-display means that discriminates and displays on the display the checked result checked by the checking means (col. 6 line 56-col. 7 line 21, col. 10 lines 28-50, figures 1-4).

[Claim 22]

Ray teaches wherein the memory stores at least one of specific name information regarding the feature point (col. 10 lines 28-50) and the discriminating-display means displays on the display information stored in the memory regarding the feature point checked as the same by the checking means (col. 7 lines 2-5).

[Claim 23]

Ray teaches a digital camera system comprising a detecting means that detects a given feature point from an image data; and a control means that controls the detected feature point in connection with the image data (col. 6 line 58-col. 7 line 44).

[Claim 63]

Ray teaches a digital camera system comprising a memory that stores a given feature point together with information regarding the feature point detected from an image data (col. 5 line 63-col. 6 line 31); a display that displays either the feature point or the information regarding the feature point stored in the memory (col. 6 line 58-col. 7 line 44); and a controller that changes at least a portion of the feature point or the information regarding the feature point displayed on the display and stores to the memory (col. 7 lines 2-22, col. 8 line 56-col. 9 line 6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al. (US Patent # 6,940,545).

[Claim 62]

Ray teaches a digital camera system comprising a memory that stores a given feature point together with information regarding the feature point detected from an image data (col. 5 line 63-col. 6 line 31); a display that displays either the feature point or the information regarding the

feature point stored in the memory (col. 6 line 58-col. 7 line 44); Ray fails to teach a deleting means that deletes from the memory at least a portion of the feature point or the information regarding the feature point displayed on the display. However Official Notice is taken that it is very well known to have a deleting means that deletes from the memory at least a portion of the feature point or the information regarding the feature point displayed on the display in order to delete the unwanted portions from the memory. Therefore taking the combined teachings of Ray and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a deleting means that deletes from the memory at least a portion of the feature point or the information regarding the feature point displayed on the display in order to delete the unwanted portions from the memory.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622